

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JEANNETTE FOWLER,)	
)	
Plaintiff,)	
)	
vs.)	NO. 3:10-CV-386
)	
SOUTH BEND POLICE DEPARTMENT,)	
)	
Defendant.)	

OPINION AND ORDER

This matter is before the Court on another complaint filed by Jeannette Fowler. For the reasons set forth below, the *in forma pauperis* petition (DE# 2) is **DENIED** and this case is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

BACKGROUND

In this complaint, Fowler alleges that on September 5, 2010, a South Bend police officer told a crowd of 15 of her neighbors that a 911 call had been placed by her from her apartment. Fowler denies that she called 911 to report her neighbors for having a party or a bonfire.

DISCUSSION

"A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less

stringent standards than formal pleadings drafted by lawyers." *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted). Nevertheless,

Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that . . . the action . . . fails to state a claim on which relief may be granted.

28 U.S.C. § 1915(e)(2)(B)(ii).

Here, Fowler is attempting to present a claim for "Defamation of Character." (DE# 1 at 3). She presents this claim pursuant to 42 U.S.C. § 1983. "In order to state a claim under § 1983 a plaintiff must allege: (1) that defendants deprived him of a federal constitutional right; and (2) that the defendants acted under color of state law." *Savory v. Lyons*, 469 F.3d 667, 670 (7th Cir. 2006). Though Fowler has alleged that the police officer acted under color of state law, claims for slander or defamation are not actionable under § 1983. See *Paul v. Davis*, 424 U.S. 693, 712 (1976) ("[W]e hold that the interest in reputation asserted in this case is neither 'liberty' nor 'property' guaranteed against state deprivation without due process of law.") Therefore, Fowler was not deprived of a federal constitutional right and this complaint does not state a claim for which relief can be granted.

CONCLUSION

For the reasons set forth above, the *in forma pauperis*

petition (DE# 2) is **DENIED** and this case is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

DATED: September 20, 2010

/s/RUDY LOZANO, Judge
United States District Court